

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-2668

United States of America,

Appellee,

v.

Christopher Paul Giles,

Appellant.

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Appeal from the United States
District Court for the District
of Minnesota.

[UNPUBLISHED]

Submitted: April 1, 2004

Filed: April 8, 2004

Before MORRIS SHEPPARD ARNOLD, FAGG, and SMITH, Circuit Judges.

PER CURIAM.

Christopher Paul Giles pleaded guilty to possessing with intent to distribute more than 500 grams of methamphetamine mixture, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A). The district court* sentenced Giles to 121 months imprisonment and 5 years supervised release. On appeal, Giles contends the government acted in bad faith when it refused to file a motion for a substantial-assistance departure.

*The Honorable Richard H. Kyle, United States District Judge for the District of Minnesota.

After careful review, we reject Giles's argument. The plea agreement contained no provisions for a substantial-assistance departure, see United States v. Barresse, 115 F.3d 610, 612 (8th Cir. 1997), and Giles did not establish the government's decision was unconstitutionally motivated or irrational, see Wade v. United States, 504 U.S. 181, 185-86 (1992). We thus affirm the judgment of the district court.
